

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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WILLIAM J. WAGNER,

Plaintiffs,

v.

Civil Action No.1:15-cv-633-FPG

CHIARI & ILECKI, LLP,

Defendant.

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**AFFIRMATION OF KENNETH R. HILLER IN SUPPUORT OF PLAINTIFF'S  
MOTION FOR LEAVE TO CITE ADDITIONAL AUTHORITY**

Kenneth R. Hiller, under penalties of perjury, affirms that the following statements are true and correct to the best of his knowledge.

1. The undersigned is the attorney of record for the Plaintiff.
2. Plaintiff has filed a Motion for Partial Summary Judgment, and the Defendant has filed a Cross-Motion for Summary Judgment in this case. The motions have been fully briefed and are pending with this Court.
3. Plaintiff, William J. Wagner, respectfully requests leave to cite as additional authority, *Arias v. Gutman, Mintz, Baker & Sonnenfeldt LLP*, --- F.3d ---, 2017 WL 5330081 (2d Cir. November 14, 2017). The *Arias* decision was issued after all the briefing was filed in this matter with respect to the parties competing summary judgment motions.
4. The undersigned has explained the authority in support of this motion, and has explained the relevance of the *Arias* case in the Memorandum of Law submitted in connection with this motion.

Dated: November 16, 2017

s/Kenneth R. Hiller  
Kenneth R. Hiller, Esq.